



# Ministry of Defence

Mr S Brown

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Ref. FOI2021/06283

29 September 2021

Dear Mr Brown

Thank you for your email of 12 June 2021 requesting the following information:

*"Please supply supporting evidence and documents used to prepare JSP 850 (Public Access & Recreation)."*

I am treating your correspondence as a request for information under the Freedom of Information Act 2000 (FOIA).

A search for the information has now been completed within the Ministry of Defence (MOD), and I can confirm that some information in scope of your request is held.

The information you have requested can be found in the attached emails, but some of the information falls entirely within the scope of the absolute exemption provided for at section 40 (Personal Data), and the qualified exemption provided for at section 42 (Legal Professional Privilege) of the FOIA and has been redacted or withheld.

Section 40(2) has been applied to some of the information in order to protect personal information as governed by the General Data Protection Regulation and Data Protection Act 2018. Section 40 is an absolute exemption and there is therefore no requirement to consider the public interest in making a decision to withhold the information.

Section 42 is a qualified exemption and is subject to public interest testing which means that the information requested can only be withheld if the public interest in doing so outweighs the public interest in disclosure.

Section 42(1) has been applied because some of the information has been provided by lawyers in confidence as legal advice. The outcome of the balance of the public interest test concluded that whilst release would promote openness, transparency, and a further understanding of government processes in decision making, it has been necessary to weigh the factors favouring disclosure on a case by case basis against the strong public interest in protecting the LPP which has been recognised by the courts and the Information Tribunal. The balance of the public interest therefore lay in withholding this information you desire.

If you have any queries regarding the content of this letter, please contact this office in the first instance.

If you wish to complain about the handling of your request, or the content of this response, you can request an independent internal review by contacting the Information Rights Compliance team, Ground Floor, MOD Main Building, Whitehall, SW1A 2HB (e-mail [CIO-FOI-IR@mod.gov.uk](mailto:CIO-FOI-IR@mod.gov.uk)). Please note that any request for an internal review should be made within 40 working days of the date of this response.

If you remain dissatisfied following an internal review, you may raise your complaint directly to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not normally investigate your case until the MOD internal review process has been completed. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website at <https://ico.org.uk/>.

Yours sincerely,

DIO Secretariat